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CLEARINGHOUSE RULE 01-127

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The extent of the applicability of definitions in s. NR 18.01 should be clearly stated, e.g., by a phrase such as “In this chapter:” preceding the definitions. [See s. 1.01 (7), Manual.]

b. In s. NR 18.01 (9m), the defined term should be “Nonresident.”

c. Section NR 18.03 (5) states that no person may take a northern goshawk on U.S. Department of Agriculture national forest land unless certain information is provided to the forest supervisor or designee prior to any take. The proposed rule amends s. NR 18.17 (2) (a) to include accipiters among the raptors that a permittee may use for educational programs, and the analysis of the proposed rule states that accipiters are a group of hawks that include the northern goshawk. Therefore, language such as “except as prohibited by s. NR 18.03 (5),” should be inserted after “accipiters” in proposed s. NR 18.17 (2) (a).

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section NR 18.01 (9m) contains a citation to the wrong subsection of s. 29.001, Stats. Change “29.001 (09), Stats.” to “29.001 (69), Stats.”

b. Section NR 18.06 (2) describes information required from applicants applying for a nonresident raptor trapping permit. It appears that one piece of information required under statute is missing from s. NR 18.06 (2). Section 29.319 (1) (b) 2., Stats., requires “an approval,

issued by the state, province or country of which [the resident] is a resident, that authorizes *the taking of raptors* for use in falconry.” [Emphasis added.] It appears that authorization for “the taking of raptors” is the out-of-state equivalent to the raptor trapping permit issued by Wisconsin, in which case this statutory requirement is distinct from the requirements under s. NR 18.06 (2) (e) and should be added to the information required from applicants under s. NR 18.06 (2).

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the second sentence of the analysis, because the two clauses of the second sentence are not sufficiently related, a period should be inserted after “falconers.” Delete “, except that” and begin a new sentence with “Nonresidents must also obtain a valid small game or general hunting license”